

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Submission to enter  
the national stage  
under 35 USC  
§371

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "**Method and Apparatus For Boring Through A Solid Material**" the Specification of which was filed on February 2, 1999 as PCT Application No. PCT/US99/02202 and was a Continuation-in-Part of U.S. Serial No. 09/018,244 filed on February 3, 1998.

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any Amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the Application on which priority is claimed:

## Prior Foreign Application(s)

			Priority <u>Claimed</u>
<u>(none)</u>			
Number	Country	Day/Month/Year Filed	Yes No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

(none) \_\_\_\_\_  
Application Number      Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States Application(s), or § 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the Claims of this Application is not disclosed in the prior United States or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior Application and the national or PCT international filing date of this Application:

<u>PCT/US99/02202</u>	<u>February 2, 1999</u>	<u>Pending</u>
Application Number	Filing Date	Status
<u>U.S. 09/018,244</u>	<u>February 3, 1998</u>	<u>Pending</u>
Application Number	Filing Date	Status

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this Application and transact all business in the Patent and Trademark Office connected therewith.

Robert E. Wagner	- 20,528	Jeffrey R. Gargano	- 38,148
Daniel N. Christus	- 29,626	Paul J. Nykaza	- 38,984
Linda A. Kuczma	- 30,861	Edward L. Bishop	- 39,110
Roger H. Stein	- 31,882	James P. Muraff	- 39,785
Thomas K. Stine	- 32,310	Nelson Nolte	- 42,938
James J. Jagoda	- 33,250	Matthew J. Gryzlo	- 43,648
Micheal D. Lake	- 33,727	Peter M. Klobuchar	- 43,722
Joseph A. Fuchs	- 34,604	Brent A. Hawkins	- 44,146
Robert W. Diehl	- 35,118	William J. Lenz	- 44,208
Bradley F. Rademaker	- 35,331	Christopher S. Clancy	- 44,618
Richard C. Hirselhoch	- 35,544	Michael K. Nutter	- 44,979
Monique A. Morneau	- 37,893	Joseph M. Kinsella, Jr..	- 45,743

Send correspondence and direct telephone calls to:

Thomas K. Stine, Esq.  
Wallenstein & Wagner, Ltd.  
311 South Wacker Drive, 53rd Floor  
Chicago, Illinois 60606-6622  
(312) 554-3300

I hereby declare all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

---

Full Name of Sole or First Inventor: Gilbert R. Broom

Residential Street Address: 111 Willow Lane

City and State/Province: Schererville, Indiana

Country and Zip/Postal Code: U.S.A. 46375

Citizenship: U.S.A.

Mailing Address: P.O. Box 563 Remington, Indiana 47977

Inventor's Signature: Gilbert R. Broom

Date: Aug. 3, 2000

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/~~Patent Owner~~: Gilbert R. BroomApplication No.~~Patent No.~~: Unassigned Filed/~~Issue Date~~: herewithEntitled: METHOD AND APPARATUS FOR BORING THROUGH A SOLID MATERIALWoodings Industrial Corporation, a Pennsylvania Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or2.  an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.**OR**

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

 Copies of assignments or other documents in the chain of title are attached.[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document)  
must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be  
recorded in the records of the USPTO. See MPEP 302.08]

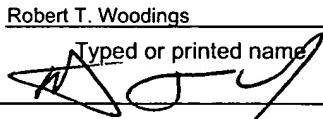
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

2/27/01Robert T. Woodings

Date

724-625-3131

Telephone number



Signature

President

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**ASSIGNMENT**

Application No.

Filed: August 3, 2000

IN CONSIDERATION of one dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, the entire right, title and interest in the invention or improvements of the undersigned in "**METHOD AND APPARATUS FOR BORING THROUGH A SOLID MATERIAL**" and in the application for Letters Patent of the United States therefor, executed by the undersigned concurrently herewith, and in any reissue or extension of any Letters Patent that may be granted upon said application are hereby assigned by the undersigned to **CUTTING EDGE TECHNOLOGY** and the successors, legal representatives and assigns of **CUTTING EDGE TECHNOLOGY** (hereinafter collectively called said Assignee), and the Commissioner of Patents is hereby authorized and requested by the undersigned to issue said Letters Patent to said Assignee.

FOR SAID CONSIDERATIONS, it is hereby agreed by the undersigned, upon the request of said Assignee, to execute any necessary and proper oaths or affidavits relating to said application or required for the filing or prosecution of any divisional, continuation or continuation-in-part application thereof or for the filing or prosecution of any application for the reissue or extension of any Letters Patent that may be granted on said invention or improvements that said Assignee may deem necessary or expedient, and for the said consideration, it is further agreed by the undersigned, upon the request of said Assignee, in the event of said application or any division thereof, or Letters Patent issued thereon, or any reissue or application for the reissue thereof, becoming involved in interference, to cooperate to the best of the ability of the undersigned with said Assignee in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, and further to perform, upon such request, any and all affirmative acts to obtain said Letters Patent and vest all rights therein hereby conveyed in the said Assignee as fully and entirely as the same would have been held and enjoyed by the undersigned if this Assignment and sale had not been made. And for the said considerations the entire right, title and interest in said invention or improvements, including all priority rights, and the right to claim priority rights and the privileges and benefits thereof, including those under the International Convention, and all other conventions, and the right to file applications for patent in said Assignee's own name for said invention or improvements in each and every country of the world are hereby Assigned and granted by the undersigned to said Assignee. It is further agreed by the undersigned, upon the request of said Assignee, to execute any and all documents that shall be required of the undersigned to be executed in connection with any and all applications for foreign letters patent therefor, including the prosecution thereof, and to execute any and all documents necessary to invest title in said foreign applications and patents in said Assignee. The attorneys of record in said application for patent are hereby authorized and requested by the undersigned to insert in this Assignment the date and Serial Number thereof in the places provided therefor.

State of



County of )

GILBERT R. BROOM

Date

9-18-00

SS.

County of )

State of )

On Sept 18, 2000, GILBERT R. BROOM appeared before me, a notary public in and for the state and county aforesaid, and acknowledged that he freely and voluntarily subscribed and executed the foregoing Assignment for the purposes and uses therein expressed.

Marianne Dutton

Notary Public

**Attachment A to Settlement Agreement**

**ASSIGNMENT**

This is an Assignment between Cutting Edge Technologies, LLC, an Indiana corporation, having a place of business in Remington, Indiana (hereinafter "Assignor"), and Woodings Industrial Corporation, a Pennsylvania corporation, having a place of business in Mars, Pennsylvania (hereinafter "Assignee").

WHEREAS, Assignor warrants that it is the owner of all right, title and interest in and to United States Patent Application No. 09/601,560 entitled "Method and Apparatus for Boring Through a Solid Material" filed August 3, 2000 (hereinafter the "'560 application"); and

WHEREAS, Assignee is desirous of acquiring the entire right, title and interest in and to the '560 application and the inventions and improvements therein disclosed.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to Assignor, receipt whereof being hereby acknowledged, Assignor does hereby assign, sell, transfer, and set over unto said Assignee the entire right, title, and interest in and to the '560 application and the inventions and improvements therein disclosed for the United States and all foreign countries and any Letters Patent which may issue therefor in the United States and all foreign countries and all divisions, reissues, continuations, renewals, and/or extensions thereof

including all priority rights under the International Convention associated therewith for each country and the Union, said assignee to have and to hold the interests herein assigned to the full ends of the

terms of said Letters Patent and any and all divisions, reissues, continuations, (excludes appln. 10/133,594 and any patents that issue there from) renewals, and/or extensions thereof, respectively, as fully and entirely as the same would have been held and enjoyed by Assignor had this Assignment not been made.

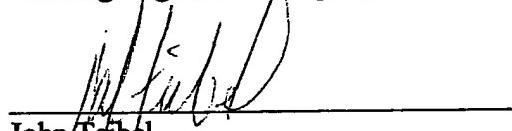
The Commissioner of Patents and Trademarks is requested to issue such Letters Patent in accordance herewith. Assignor covenants that it are the lawful owner of the '560 application, inventions, and improvements, that the same are unencumbered, that no license has been granted to make, use or vend the said inventions or improvements or any of them, and that it has the full right to make this Assignment.

Assignee shall take over all prosecution of the '560 application at Assignee's sole discretion and expense, including reasonable compensation for time required by Assignor. Assignor agrees that it will communicate to said Assignee or the representatives thereof any facts known to Assignor respecting said inventions and improvements, and will, upon request, but without expense to Assignor, testify in any legal proceedings, sign all lawful papers, execute all divisional, reissue, continuation, renewal and/or extension applications, make all rightful oaths, and generally do all other and further lawful acts, deemed necessary or expedient by said Assignee or by counsel for said Assignee, to assist or enable said Assignee to obtain and enforce full benefits from

the rights and interests herein assigned. This assignment shall be binding upon our heirs, executors, administrators, and/or assigns, and shall inure to the benefit of the successors, and/or assigns, as the case may be, of said Assignee.

IN WITNESS WHEREOF, Assignor has caused its name to be signed by their duly authorized representative this 16<sup>th</sup> day of June, 2003.

Cutting Edge Technologies, LLC

  
John Teibel  
Title: Corp. Secretary

State of Indiana: ss:  
County of Tippecanoe

Before me, a Notary Public in and for the said County and State, personally appeared John Teibel, who being duly sworn did acknowledge that he is the CORPORATE SEC of Cutting Edge Technologies, LLC, and that he executed the foregoing Assignment on behalf of said corporation with full authority to do so.

Witness my hand and notarial seal this 16<sup>th</sup> day of June, 2003.

(NOTARIAL SEAL)

Carol A. Meshaw  
Notary Public  
CAROL S. MESHAW  
TIPPECANOE COUNTY

EXPIRES  
8/26/07

## EXPRESS MAIL MAILING LABEL

Number: EV 256982659 US  
Date of Deposit: 2-24-2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service Under 37 C.F.R. 1.10 on the date indicated above And is addressed to:  
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

BUCHANAN INGERSOLL PC  
One Oxford Center, 20th Floor  
Pittsburgh, PA 15219



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	<b>PATENT APPLICATION</b>
Gilbert R. Broom	METHOD AND APPARATUS FOR BORING THROUGH A SOLID MATERIAL
Serial No.: unassigned (cont. of 09/601,560)	Group Art Unit: unassigned
Filed: herewith	Examiner: unassigned

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Pittsburgh, Pennsylvania 15219  
February 24, 2004

**POWER OF ATTORNEY**

We, Woodings Industrial Corporation, a Pennsylvania corporation, as Assignee of the above-identified application, hereby revoke all previous powers of attorney given, and hereby appoint the firm of Buchanan Ingwersoll PC, telephone number 412-562-8800 (whose members include: Lynn J. Alstadt, Reg. No. 29,362; George P. Baier, Reg. No. 26,717; Dennis M. Carleton, Reg. No. 40,938; Craig G. Cochenour, Reg. No. 33,666; James W. Collett, Reg. No.

46,636; Michael L. Dever, Reg. No. 32,216; Bradford J. Duft, Reg. No. 32,219; John E. Grosselin, III, Reg. No. 38,478; Bryan H. Opalko, Reg. No. 40,751; Michael G. Panian, Reg. No. 32,623; Duane A. Stewart III, Reg. No. 54,468; and Carla J. Vrsansky, Reg. No. 36,958, whose post office address is One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, Pennsylvania 15219, its attorneys to prosecute the above-identified application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office in connection with the above-identified application.

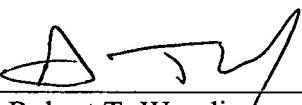
Please direct all telephone calls to Bryan H. Opalko at (412) 562-1893. Please direct all future correspondence to Bryan H. Opalko at Buchanan Ingersoll PC, whose post office address is:

Bryan H. Opalko  
Buchanan Ingersoll PC  
One Oxford Centre  
301 Grant Street, 20th Floor  
Pittsburgh, Pennsylvania 15219  
ph: (412) 562-1893  
fx: (412) 562-1041  
e-mail: opalkobh@bipc.com

All powers of attorney previously given are hereby revoked.

Woodings Industrial Corporation

Dated: 2/23/01

By:   
Robert T. Woodings  
President